

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

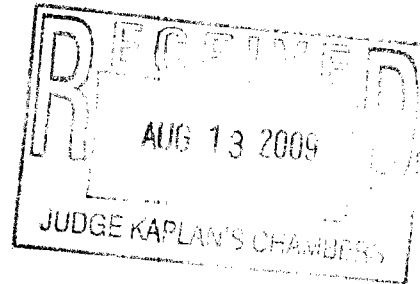
SANOFI-AVENTIS F/K/A SANOFI-
SYNTHELABO S.A., a French Corporation,

Plaintiff,

vs.

THE BANK OF NEW YORK MELLON,

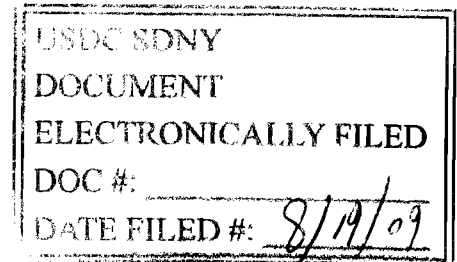
Defendant.



FILED ELECTRONICALLY

08 Civ 11360 (LAK)

CONSENT SCHEDULING ORDER



Upon consent of the parties, it is hereby

ORDERED as follows:

1. No additional parties may be joined after September 30, 2009.
2. No amendments to the pleadings will be permitted after September 30, 2009.
3. The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - (a) expert witnesses on or before October 1, 2009.
 - (b) rebuttal expert witnesses on or before November 1, 2009.
4. All discovery, including any depositions of experts, shall be completed on or before December 1, 2009.
5. A joint pre-trial order in the form prescribed in Judge Kaplan's individual rules shall be filed on or before January 20, 2010.
6. No motion for summary judgment shall be served after the deadline fixed for submission of the pretrial order. The filing of a motion for summary

judgment does not relieve the parties of the obligation to file the pretrial order on time.

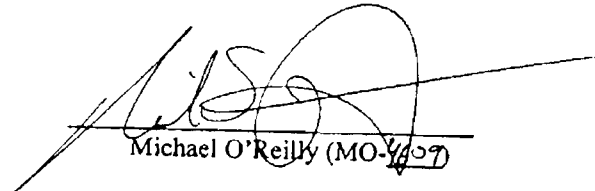
7. If any party claims a right to trial by jury, proposed voir dire questions and jury instructions shall be filed with the joint pretrial order.
8. Each party or group of parties aligned in interest shall submit not less than ten (10) days prior to trial (a) a trial brief setting forth a summary of its contentions and dealing with any legal and evidentiary problems anticipated at trial, and (b) any motions in limine.
9. This scheduling order may be altered or amended only a showing of good cause not foreseeable at the date hereof. Counsel should not assume that extensions will be granted as a matter of routine.

Dated: August __, 2009

Lewis A. Kaplan
United States District Judge

CONSENTED TO:


GIBBONS P.C.


Michael O'Reilly (MO-4409)

One Pennsylvania Plaza - 37th Floor
New York, New York 10119-3701
(212) 613-2000

*Attorneys for Plaintiff sanofi-aventis
f/k/a/ Sanofi-Synthelabo S.A.*

STILLMAN, FRIEDMAN &
SHECHTMAN, P.C.


Marjorie J. Pearce (MP-1474)

425 Park Avenue
New York, NY 10022
(212) 223-0200

*Attorneys for Defendant The Bank of
New York Mellon*

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SO ORDERED
Date: 8/18/09


RICHARD J. SULLIVAN
U.S.D.J.
Part II